

Remarks

Upon entry of the foregoing amendment, claims 1-4, 7-11, 14, 15, 19-23, 26, and 28-31 are pending in the application, with 1, 8, 15, and 20 being the independent claims. Claims 1-4, 8-11, 15, 20-23, and 28-31 are sought to be amended. Claim 16 is sought to be cancelled without prejudice to or disclaimer of the subject matter therein. Applicant reserves the right to prosecute similar or broader claims, with respect to the cancelled and/or amended claims, in the future. These changes are believed to introduce no new matter, and their entry is respectfully requested.

The claims presented in this Application should be interpreted solely based on the file history of this Application, not the file history of any predecessor or related application. With respect to this application, Applicant hereby rescinds any and all disclaimers of claim scope made in any parent application(s), any predecessor application(s), and any related application(s). The Examiner is advised that any previous disclaimer of claim scope, if any, and any references that allegedly caused any previous disclaimer of claim scope, may need to be revisited. Nor should any previous disclaimer of claim scope, if any, in this Application be read back into any predecessor or related application.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Statement of Substance of Interview

Pursuant to 37 C.F.R. § 1.133, Applicant provides the following statement of substance of the interview. Applicant expresses their appreciation to Examiner Siu M. Lee for the courtesy of a telephonic interview with Applicant's representatives on April 28, 2010. During the interview, Applicant's representatives and the Examiner discussed United States Patent Publication No. 2001/0012783 to Peeters et al. ("Peeters").

An agreement was reached that Peeters does not teach or suggest any relationship between its bit values B1 through B8 and its gain values G1 through G8. The bit values B1 through B8 and the gain values G1 through G8 appear to be independent of each other. Therefore, the Examiner agreed that Peeters does not teach or suggest at least the features of *"to determine a first carriergroup parameter for each of the plurality of dynamically variable size carrier groups, the first carriergroup parameter being a worst case parameter from among the parameters corresponding to the plurality of carriers within each of the plurality of dynamically variable size carrier groups, and to determine a second carriergroup parameter for each of the plurality of dynamically variable size carrier groups based upon the first carriergroup parameter for each of the plurality of dynamically variable size carrier groups"* as recited by independent claim 1. Applicant agreed to amend independent claims 8, 15, and 20 in a substantially similar manner.

Rejection under 35 U.S.C. § 102

Claims 1-4, 7-11, 14-16, 19-20, 26, and 28-31

Claims 1-4, 7-11, 14-16, 19-20, 26, and 28-31 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Peeters. Applicant respectfully traverses the rejection and provides the following arguments to support patentability.

Applicant has amended independent claim 1 to recite at least the features of *"determine[ing] a first carriergroup parameter for each of the plurality of dynamically variable size carrier groups, the first carriergroup parameter being a worst case parameter from among the parameters corresponding to the plurality of carriers within each of the plurality of dynamically variable size carrier groups, and...determine[ing] a second carriergroup parameter for each of the plurality of dynamically variable size carrier groups based upon the first carriergroup parameter for each of the plurality of dynamically variable size carrier groups."* Applicant has amended independent claims 8, 15, and 20 in a substantially similar manner. From the discussion above, Peeters does not teach or suggest these newly added features as recited by independent claims 1, 8, 15, and 20. Consequently, Peeters cannot anticipate these independent claims. Dependent claims 4, 8, 11, 14, 19, 26, and 28-31 are likewise not anticipated by Peeters for the same reasons as the independent claims from which they depend and further in view of their own respective features. Without acquiescing to the merits of this allegation, Applicant has cancelled claim 16 without prejudice to or disclaimer of the subject matter therein. Applicant contends that the canceling of this claims does not give rise to any implication regarding whether the Applicant agrees with or acquiesces to the rejection under 35 U.S.C. § 103(a). Accordingly, Applicant respectfully request that the

rejection of claims 1, 4, 7-8, 11, 14, 15, 19-20, 26, and 28-31 under 35 U.S.C. § 102(b) be reconsidered and withdrawn.

Rejection under 35 U.S.C. § 103

Claims 2-3, 9-10, and 21-22

Claims 2-3, 9-10, and 21-22 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Peeters. Applicant respectfully traverses the rejection and provides the following arguments to support patentability.

From the discussion above, Peeters does not teach or suggest each and every feature of independent claims 1, 8, 15, and 20; therefore, Peeters does not render these independent claims obvious. Dependent claims 2-3, 9-10, and 21-22 are likewise not rendered obvious Peeters for the same reasons as the independent claims from which they respectively depend and further in view of their own respective features. Accordingly, Applicant respectfully requests that the rejection of claims 2-3, 9-10, and 21-22 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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